

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Sin Santo Bad,

Civil No. 11-46 (DWF/JJK)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

April and Joe Kettler, and
Four Rivers Products, Inc.,

Defendants.

Sin Santo Bad, *Pro Se*, Plaintiff.

This matter is before the Court upon Plaintiff Sin Santo Bad's ("Plaintiff") objections to Magistrate Judge Jeffrey J. Keyes's Report and Recommendation dated February 9, 2011, insofar as it recommends that: (1) this action be dismissed pursuant to Fed. R. Civ. P. 12(h)(3), for lack of subject matter jurisdiction; (2) Plaintiff's application to proceed *in forma pauperis* be denied; and (3) Plaintiff be required to pay the unpaid balance of the statutory filing fee, namely \$315, in accordance with 28 U.S.C. § 1915(b)(2).

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and

precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Sin Santo Bad's objections (Doc. No. [7]) to Magistrate Judge Jeffrey J. Keyes's Report and Recommendation dated February 9, 2011, are **DENIED**.
2. Magistrate Judge Jeffrey J. Keyes's Report and Recommendation dated February 9, 2011 (Doc. No. [6]), is **ADOPTED**.
3. This action is **DISMISSED** pursuant to Fed. R. Civ. P. 12(h)(3), for lack of subject matter jurisdiction.
4. Plaintiff's application to proceed *in forma pauperis*, (Doc. No. [2])), is **DENIED**.
5. Plaintiff is required to pay the unpaid balance of the statutory filing fee, namely \$315, in accordance with 28 U.S.C. § 1915(b)(2).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 8, 2011

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge